

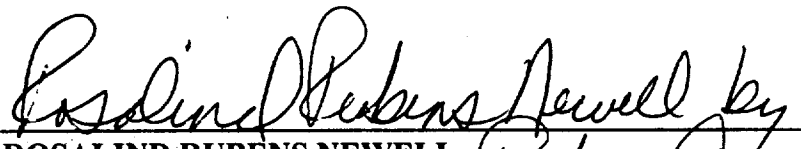
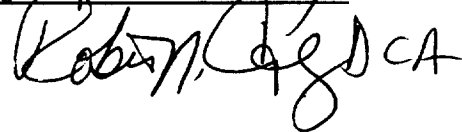
Entered - 08/01/00 - sb
CL00L0460 - DIANNE C. MITCHELL

CLAIM OF: **SHAWN CHARTON,**
through his attorney,
James R. Marshall
Suite 1000
315 Ponce de Leon Avenue
Decatur, Georgia 30030-2433

01- R -0270

For damages alleged to have been sustained as a result of an
altercation with a police officer on May 17, 2000 at 2025 Boulevard
Drive, SE.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY  CA

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0460

Date: February 12, 2001

Claimant /Victim SHAWNE E. CHARTON
BY: (Atty) James R. Marshall
Address: Suite 1000, 315 Ponce de Leon Avenue, Decatur, Georgia 30030-2433
Subrogation: Claim for Property damage \$ Bodily Injury \$ 75,000.00
Date of Notice: 07/21/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/17/00 Place: 2025 Boulevard Drive
Department Police Division:
Employee involved Charles R. Traylor Disciplinary Action: Twelve Days Suspension

NATURE OF CLAIM: The claimant alleges that he was injured during an altercation with a police officer. The claimant went to the Zone 6 Police Precinct to report that he had been assaulted by an unknown perpetrator when he alleges the officer mistreated him. The City is immune from liability for the tort actions of its police officers pursuant to O.C.G.A. §36-33-3.

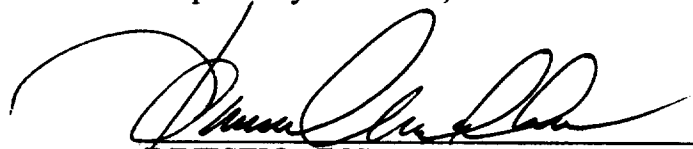
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 02 72 01
Committee Action: Council Action

JAMES R. MARSHALL

Attorney at Law

SUITE 1000, WACHOVIA BANK BUILDING
315 WEST PONCE DE LEON AVENUE
DECATUR, GEORGIA 30030-2433

404-377-5126

404-377-0774 (fax)

June 5, 2000

ENTERED - 8-1-00 - SB

00LO460 - DIANNE MITCHELL

Jo Avery, Esq.

Department of Law

Suite 4100 City Hall Tower

68 Mitchell Street, S.W.

Atlanta, GA 30335-0332

Re: Shawn E. Charton

Dear Jo:

A couple of weeks ago Shawn Charton, a friend of mine and fellow member of the All Saints Choir, was assaulted by a member of the Atlanta Police Department while he was seeking help from the officer shortly after he was attacked a few blocks away from the precinct office.

Mr. Charton was stopped in his car at the intersection of Screven and Boulevard Drive on his way home from work. He lives in the Lake Clair neighborhood. A young black man jumped out of the shadows with a tree branch and began swinging it at Shawn, striking him in the face a couple of times before he could drive away. Shawn at first tried to close his car window, but it was broken by his attacker.

Shawn drove immediately to the precinct office a few blocks away to get help and to report the incident. The officer he talked to was Charlie Traylor. Officer Traylor refused to believe Mr. Charton, called him a liar, accused him of being involved in a drug deal (as if someone assaulted in a drug deal would go to the police), and made it clear that Mr. Charton was not going to get any help from him. At this point Shawn figured it was pointless to stay, and got up to go. As he stepped outside the station door, Officer Traylor grabbed him, put him in a restraint hold and shoved him against the station's outside wall, jamming his shoulder against the wall and forcing his arm up and back behind him. He then made Shawn return inside where he ordered him to "sit down and shut up." Officer Traylor refused to let Shawn clean up the blood that was running down his face from his earlier attack, but continued to subject him to verbal abuse, refusing to let him leave, and threatening to send him to jail.

June 5, 2000

Eventually the DeKalb EMS team arrived. They treated Mr. Charton's cuts on his face, and another officer showed up and took the incident report. Notice that the incident report stated that there was no evidence of drug use or intoxication on the part of Mr. Charton, and, in fact, he had offered to submit to a drug test which Officer Traylor refused, despite his accusations of drug dealing. The incident report states that Mr. Charton was advised of his rights, but he was not.

The next day Shawn filed a citizen's statement with Investigator R. Turner of OPS. I enclose copies of the incident report and of the statement made to Investigator Turner. Shawn was given Officer Traylor's name and badge number by the officer who took the incident report. He told Shawn that this sort of behavior was not unknown with Officer Traylor. Shawn has not received any call or letter from the APD since giving his statement to the investigator.

In short, a citizen seeking help from the police after he was assaulted was subjected to verbal abuse, assault and unlawful restraint and detention by the police officer himself. You know that I am not given to hysteria, or police bashing, but this abuse of a citizen's rights by the very policeman whose protection he was seeking is outrageous and unacceptable.

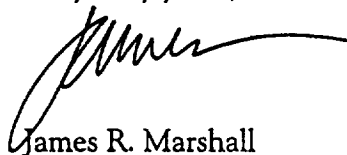
On behalf of Shawn, I am demanding three things of the City of Atlanta:

- A straightforward, unambiguous apology;
- Appropriate discipline of Officer Traylor which should include assurances that he will not remain in a position that involves dealing with the public;
- Compensation in the amount of \$75,000.00.

If the City is unwilling to do the right thing in this case, I will associate one of my former partners, Pat McKee or Mason Barge, and file an action against the City in the U. S. District Court for intentional violation of Mr. Charton's civil rights, seeking much greater damages and attorney's fees. You know very well that in such a well publicized case the City's attorney's fees would greatly exceed the modest amount that Mr. Charton is willing to accept at this stage.

I am writing this letter to you, Jo, because I know that you will make sure that it gets the attention it deserves from the appropriate people. With best regards, I remain,

Very truly yours,



James R. Marshall

June 5, 2000

Enclosures

Cc: S. C. Charton (w/o enclosures)
Jeffrey Norman, Esq.
Major S. O'Brien, APD

01-~~2~~-0270